

**Petition For Revival Of An Application For Patent Abandoned  
Unintentionally Under 37 CFR 1.137(b) (Large Entity)**

Docket No.  
128834-2

DAC  
JFW

In Re Application Of: **Keith M. Borst et al.**

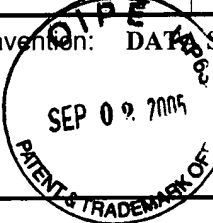
Application No.	Filing Date	Examiner	Customer No.	Group Art Unit	Confirmation No.
10/638,094	08/07/2003	Xu, Ling X.	23413	1775	3383

Invention: **DATA STORAGE MEDIUM AND METHOD FOR THE PREPARATION THEREOF**

09/06/2005 HDEMESS2 00000012 10638094

03 FC:1453

1500.00 OP



Attention: Office of Petitions  
Mail Stop Petition  
COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, VA 22313-1450

NOTE: If information or assistance is needed in completing this form, please contact Petitions Information at (703) 305-9282.

The above-identified application became abandoned for failure to file a timely and proper response to a notice or action by the Patent and Trademark Office. The date of abandonment is the day after the expiration date of the period set for reply in the Office notice or action plus any extension of time actually obtained.

**APPLICANT HEREBY PETITIONS FOR REVIVAL OF THIS APPLICATION**

NOTE: A grantable petition requires the following items:

- (1) Petition fee;
- (2) Reply and/or issue fee;
- (3) Terminal disclaimer with disclaimer fee--required for all utility and plant applications filed before June 8, 1995; and for all design applications; and
- (4) Statement that the entire delay was unintentional.

~~09/06/2005 HDEMESS2 00000012 10638094~~

~~01 FC:1501~~

~~1400.00 OP~~

~~02 FC:1504~~

~~300.00 OP~~

1. ☒ A proposed reply to the above-identified notice or action:

☒ is enclosed. ☐ was filed on \_\_\_\_\_

The proposed reply is in the form of: RCE; IDS

2. ☒ The issue fee:

☒ is enclosed. ☐ was paid on \_\_\_\_\_

3. ☒ The abandoned application was a:

☐ design application. ☒ utility application. ☐ plant application.

4. ☐ A terminal disclaimer (and fee) disclaiming a period equivalent to the period of abandonment is enclosed.

5. ☒ Since this utility/plant application was filed on or after June 8, 1995, no terminal disclaimer is required.

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**Calculation and Payment of Fees**

Enclosed are the following fees:

- |   |                             |
|---|-----------------------------|
| 6. <input checked="" type="checkbox"/> Petition fee under 37 CFR 1.17(m) in the amount of:          | <u>\$1,500.00</u>           |
| 7. <input type="checkbox"/> Fee for amendment in the amount of:                                     | <u>                    </u> |
| 8. <input type="checkbox"/> Fee for extension of time to respond to Office Action in the amount of: | <u>                    </u> |
| 9. <input checked="" type="checkbox"/> Issue fee in the amount of:                                  | <u>\$1,400.00</u>           |
| 10. <input type="checkbox"/> Continuing application filing fee in the amount of:                    | <u>                    </u> |
| 11. <input type="checkbox"/> Terminal disclaimer fee in the amount of:                              | <u>                    </u> |
| 12. <input checked="" type="checkbox"/> <u>Publication Fee of \$300; RCE Fee of \$790</u>           | <u>\$1,090.00</u>           |
| Total fees enclosed:  | <u>\$3,990.00</u>           |

The fee of **\$3,990** is to be paid as follows:

- ☐ A check in the amount of the fee is enclosed.
- ☒ The Director is hereby authorized to charge any fees which may be required, or credit any overpayment, to Deposit Account No. **06-1130**
- ☒ Payment by credit card. Form PTO-2038 is attached.

**WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.**

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**Statement**

The entire delay in filing the required reply from the due date for the required reply until the filing of a grantable petition under 37 CFR 1.137(b) was unintentional.

  
\_\_\_\_\_  
*Signature*

**J. Michael Buchanan**  
**Registration No. 44,571**  
**Customer No. 23413**  
**Telephone No. 860-286-2929**

Dated: **August 30, 2005**

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to "Mail Stop Petition, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450" [37 CFR 1.8(a)] on

**8/30/2005**

(Date)



*Signature of Person Mailing Correspondence*

**Rebecca L. Blake**

*Typed or Printed Name of Person Mailing Correspondence*

CC:

**CERTIFICATE OF MAILING BY FIRST CLASS MAIL (37 CFR 1.8)**Applicant(s): **Keith M. Borst et al.**

Docket No.

**128834-2**

Application No.

**10/638,094**

Filing Date

**08/07/2003**

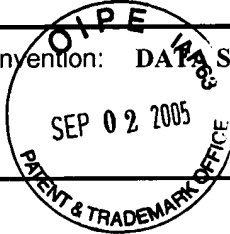
Examiner

**Xu, Ling X.**

Customer No.

**23413**

Group Art Unit

**1775**Invention: **DATA STORAGE MEDIUM AND METHOD FOR THE PREPARATION THEREOF**

I hereby certify that this Petition for Revival of an Application for Patent Abandoned Unintentionally  
(Identify type of correspondence)

is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to "Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450" [37 CFR 1.8(a)] on  
August 30, 2005  
(Date)

**Rebecca L. Blake**

(Typed or Printed Name of Person Mailing Correspondence)

(Signature of Person Mailing Correspondence)

**Note: Each paper must have its own certificate of mailing.**

Form PTO-2038 (1 pg)  
Petition for Revival of an Application for Patent Abandoned Unintentionally Under 37 CFR 1.137(b) (3 pgs)  
Issue Fee Transmittal (1 pg)  
Request for Continued Examination (1 pg)  
Transmittal of Information Disclosure Statement (2 pgs)  
Form 1449 (1 pg)  
Copies of CA 2099852, CA 2099854, and International Search Report PCT/US2004/024850